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Senior Whip

December 22, 2015

Juliette Hayes
c/o Casey De Shong
External Affairs – Congressional Liaison
FEMA Region IX Office
1111 Broadway, Suite 1200
Oakland, CA 94607

Dear Ms. Hayes:

I respectfully, and strongly, request that FEMA delay the appeal period for the city of San Bruno with respect to its flood maps for a period of six months. The reasons for delay are the following:

- 1) San Bruno did not receive the same notification as other jurisdictions because FEMA included the city in the analysis and boundary of San Francisco International Airport (SFO). As a legal entity, San Bruno's existence pre-dates that of SFO by many decades and yet FEMA did not notify city officials that a new flood hazard area had been determined within the city's boundary. The city was only notified when a locally-elected official commented to the city in passing that he had noticed that a portion of the city was in the flood zone. The result is that many, many months passed when city staff could have been preparing an appeal of the map.
- 2) San Bruno has previously not had special flood hazard areas within the city, and therefore city staff had no reason to know that a new map was being prepared, and no prior experience anticipating the map's modification process. However, upon being notified, San Bruno hired a consultant and spent many thousands of dollars to develop its own analysis. In an attempt to assist in arriving at well-founded conclusions, the city engaged the same consultant as was used by SFO. FEMA's analysis shows a portion of the flood risk arising from the direction of SFO.
- 3) Hiring the same consultant as SFO assists in having a consistent and well-founded analysis. However, the consultant is very busy with his SFO duties. It may not be possible at this point for that consultant to be engaged in time to meet the 90 day window for submission of an appeal.
- 4) Almost three weeks ago, my staff asked if FEMA could do an informal review of the methodology of the SFO/San Bruno consultant's conclusions, to date, to determine if the methodology was acceptable. The answer to that question, which was in the negative, further delayed the development of additional work product.
- 5) It is our understanding that there is very little opportunity for give and take between the consultant and FEMA, once the appeal of the map is actually submitted. So, basically, if the appeal product isn't fully developed when submitted then FEMA could be working with incomplete information that, if the appeal fails, cannot be amended. While a letter of map revision could be submitted later, this would only be after costly flood insurance requirements would be imposed upon city residents. The consultant's initial conclusion was that such a requirement was unnecessary because he could prove that the city isn't at risk of a 100 year flood from any of the sources noted in FEMA's analysis. It would be unfair to impose a costly flood insurance requirement on the residents simply because the timing of the analysis was delayed by FEMA not notifying San Bruno of the existence of a special flood hazard area.

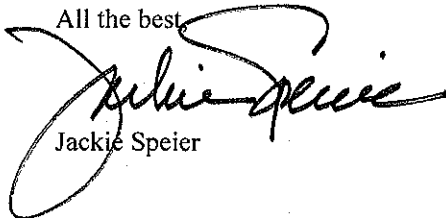
- 6) Delaying the appeal window will not increase the flood hazard to San Bruno because, even if FEMA's proposed map is correct, all sources of flooding noted in the FEMA analysis are beyond the city's boundaries. They are therefore outside the city's immediate control. These sources arise in South San Francisco and at the airport. It will require a great deal of time-consuming coordination and the development of funding agreements to fix these alleged defects. These activities are much more significant sources of delay than the creation of San Bruno's engineering analysis. Again, this statement is not meant to imply in any respect that flooding as modeled by FEMA is likely. San Bruno's consultant, when he was briefly under contract, was highly confident that he could prove otherwise.

The next city council meeting at which the council could decide to put the consultant under contract, once again, is in mid-January. It would be inconsistent with the basic notion of procedural due process to have an appeals process that begins before this city can adequately prepare its analysis, and after delays that arose via FEMA.

I respectfully urge FEMA to postpone for six months the appeal window of the map for the City of San Bruno. It is my understanding that there were more than six months of delay in notifying San Bruno, so six months would still give San Bruno less notification and time than comparable cities. In any event it is likely to be enough time for a consultant to be considered, put under contract, and a genuine appeal developed.

If there are any questions about this letter, please feel free to contact us. I would appreciate the chance for either my staff or me to speak to FEMA if this is necessary for a decision to be made.

All the best,



Jackie Speier

KJS/bp

cc: City of San Bruno